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HOUSE BILL 195

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING A NEW SECTION OF THE AIR
QUALITY CONTROL ACT TO PROVIDE FOR REGULATION OF SOURCES OF
EMISSIONS OF OZONE THAT EXCEED NINETY-FIVE PERCENT OF THE
NATIONAL AMBIENT AIR QUALITY STANDARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Air Quality Control Act
is enacted to read:

"~~[NEW MATERIAL]~~ DUTIES AND POWERS OF THE ENVIRONMENTAL
IMPROVEMENT BOARD AND THE LOCAL BOARD FOR ATTAINMENT AND
MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS FOR
OZONE.--

A. If the environmental improvement board or the
local board determines that emissions from sources within its
jurisdiction cause or contribute to ozone concentrations in

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1 excess of ninety-five percent of a national ambient air quality
2 standard for ozone, it shall adopt a plan, including
3 regulations, to control emissions of oxides of nitrogen and
4 volatile organic compounds to provide for attainment and
5 maintenance of the standard.

6 B. Notwithstanding the limitation provided in
7 Section 74-2-5 NMSA 1978, the environmental improvement board
8 or the local board may adopt standards of performance for
9 sources for which no federal standard of performance has been
10 adopted and standards of performance more stringent than
11 federal standards of performance for sources for which a
12 federal standard of performance has been adopted. Such
13 standards of performance may be more stringent than applicable
14 federal standards of performance if the board determines that
15 methods to reduce air pollution are commercially available that
16 result in greater reductions in air pollution than the federal
17 standards for such sources.

18 C. In adopting regulations, the environmental
19 improvement board or the local board shall give weight to the
20 following:

21 (1) the public interest, including the social
22 and economic value of the sources and subjects of air
23 contaminants; and

24 (2) the technical practicability and economic
25 reasonableness of reducing or eliminating air contaminants from

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~~[bracketed material]~~ = delete

1 the sources involved and previous experience with equipment and
2 methods available to control the air contaminants involved.

3 D. For existing sources, the environmental
4 improvement board or the local board shall consider the
5 remaining useful life of any existing source to which the
6 regulations would apply."

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